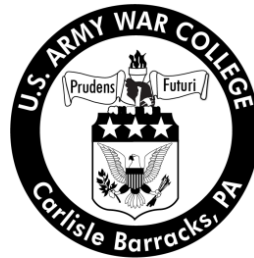


Strategy Research Project

Crossing Our Red Lines About Partner Engagement in Mexico

by

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United States Army



United States Army War College
Class of 2013

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REPORT DOCUMENTATION PAGE				Form Approved OMB No. 0704-0188	
<p>The public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0704-0188), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR FORM TO THE ABOVE ADDRESS.</p>					
1. REPORT DATE (DD-MM-YYYY) xx-03-2013		2. REPORT TYPE STRATEGY RESEARCH PROJECT		3. DATES COVERED (From - To)	
4. TITLE AND SUBTITLE Crossing Our Red Lines About Partner Engagement in Mexico				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S) Lieutenant Colonel Keith David Blodgett United States Army				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Dr. Brian Nussbaum Center for Strategic Leadership and Development				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES) U.S. Army War College 122 Forbes Avenue Carlisle, PA 17013				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION / AVAILABILITY STATEMENT Distribution A: Approved for Public Release. Distribution is Unlimited.					
13. SUPPLEMENTARY NOTES Word Count: 8,202					
14. ABSTRACT <p>Red lines – that level of escalation that is totally unacceptable and results in immediate action to prevent a national security threat – in the U.S. response to growing Mexican TCO influence are ‘home game’ situations that require an approach most American policy makers are uncomfortable with. Instability in Mexico and TCO violence in the border region are a threat to U.S. national security interests. This paper explores: the definitions of public and private red lines; whether the U.S. should establish such red lines related to narco-trafficking violence originating in the U.S.- Mexican border region; and U.S. and Mexican collaboration in creating private or public red lines to more effectively influence TCO activities. Correctly employed, public red lines change or influence the decision making of adversaries. Private red lines can be used as planning tools to establish decision points, enhance a common operating picture, and increase interagency or international readiness among partners.</p>					
15. SUBJECT TERMS U.S. foreign policy, transnational criminal organization, TCO, drug cartel, homeland security, high-intensity					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT UU	18. NUMBER OF PAGES 42	19a. NAME OF RESPONSIBLE PERSON
a. REPORT UU	b. ABSTRACT UU	c. THIS PAGE UU			19b. TELEPHONE NUMBER (Include area code)

USAWC STRATEGY RESEARCH PROJECT

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Title: Crossing Our Red Lines About Partner Engagement in Mexico

Report Date: March 2013

Page Count: 42

Word Count: 8,202

Key Terms: U.S. foreign policy, transnational criminal organization, TCO, drug cartel, homeland security, high-intensity crime

Classification: Unclassified

Red lines – that level of escalation that is totally unacceptable and results in immediate action to prevent a national security threat – in the U.S. response to growing Mexican TCO influence are ‘home game’ situations that require an approach most American policy makers are uncomfortable with. Instability in Mexico and TCO violence in the border region are a threat to U.S. national security interests. This paper explores: the definitions of public and private red lines; whether the U.S. should establish such red lines related to narco-trafficking violence originating in the U.S.-Mexican border region; and U.S. and Mexican collaboration in creating private or public red lines to more effectively influence TCO activities. Correctly employed, public red lines change or influence the decision making of adversaries. Private red lines can be used as planning tools to establish decision points, enhance a common operating picture, and increase interagency or international readiness among partners.

Crossing Our Red Lines About Partner Engagement in Mexico

The United States has a strong aversion to using red lines as foreign policy tools. Our “red line” against using red lines – that level of escalation that is totally unacceptable and results in immediate action – is rooted in historical blunders like the European rush to World War I. The United States’ refrain from poorly crafted foreign policy triggers that might compel other nations into catastrophic decisions is a responsible stance. As emphasized by the Honorable Leon Panetta, U.S. Secretary of Defense, regarding Israel’s 2012 call for international red lines against the Iranian nuclear program:

Presidents of the US... don't have... a bunch of little red lines that determine their decisions. What they have are facts that are presented to them about what a country is up to, and then they weigh what kind of action is needed to be taken in order to deal with that situation... that's the real world. Red lines are kind of political arguments that are used to try to put people in a corner.¹

National leaders need freedom of maneuver to make effective choices and should avoid being constrained by their decision-making processes. There are times, however, such as the development of a nuclear deterrence policy, when strong red lines are of critical importance as either an external messaging tool or as an internal planning instrument – or as both. Avoiding the use of red lines in these cases can delay decision-making, increase risk and compound developing problems when rapid and effective decisions are needed most.

Currently, the Mexican transnational criminal organizations (TCOs) – typically called “drug cartels” – present such a dynamic security threat to the United States and Mexico that they warrant establishing a collaborative red line policy approach by both countries. If collectively establishing red lines against the TCOs proves to be too

politically unpalatable, the red line construct still presents an effective – albeit private – framework as a domestic US interagency planning tool for building a common operating picture, establishing collective decision points, and fostering coordination. The United States needs to step over our own foreign policy red line against using red lines in order to engage Mexico more effectively and to counter our mutual security threat.

This paper explores the potential role that red lines could serve in the United States' response to Mexico's continuing problem with TCOs. There are benefits and drawbacks to using this approach, which makes the question of whether the United States should establish red lines in targeting Mexican cartel violence an important one. Effective red lines have been used as a foreign policy framework to great effect by others. They could be useful tools for the U.S. and Mexican governments in their collective approach to the cartels by either establishing multilateral and public shaping tools against TCO activities or by creating multilateral or unilateral and private planning tools for interagency and international collaboration in border security.

This paper does not attempt to define solutions to the broadest questions surrounding the American counter-TCO effort, civil unrest in northern Mexico or the growing influence that drug cartels are having on either country's national security. Large bodies of well-established work already address and continue to seek solutions for these difficult policy issues. Rather, this paper: examines the interests, interactions and relationships between the Mexican drug cartels, Mexico and the United States; defines the relatively new concept of foreign policy red lines; explores the historical employment of red lines; and proposes three homeland defense scenarios that warrant red line consideration by U.S. policy makers and practitioners.

Setting The Stage: Relations Between the Cartels, Mexico and the United States

North American security and prosperity are inextricably linked in Mexico and the United States; instability in northern Mexico creates significant security risks for both. Despite our interdependence, several aspects of the relationship between our countries continue, perhaps inevitably, to place Mexican security as a second tier priority for U.S. defense strategists which may inadvertently drive Mexican policy makers away from collaboration. As a result of this and other economic and political factors, neither Mexico nor the United States is willing to provide the military or law enforcement forces required to adequately control the international border or the surrounding region. Mexicans contend that U.S. drug consumption is creating the problem south of the border by funding and arming the wrong side of the war on drugs. Americans demand that Mexico do a better job of imposing the rule of law within its own borders. Both positions divert attention away from some potentially meaningful solutions causing both nations to fall short of solving the mutual crisis.

Currently, Mexico stands at a strategic crossroads. One potential future realizes Mexico as a regional standard of prosperity surpassing Brazil as the fastest growing economy in Latin American. In another potential future, Mexico snatches defeat from the jaws of victory by succumbing to the growing culture of lawlessness currently being imposed on its northern border region, and increasingly elsewhere, by TCOs. Anthony Placido, U.S. Drug Enforcement Agency (DEA), describes the roots of the current security situation well in saying that “the criminality surrounding drug trafficking... has gotten so far out of control that a traditional criminal justice problem has morphed into a national security crisis (for both the United States and Mexico). That crisis, in turn... threatens democracy in the region.”²

The impact of cross border crime by Mexican TCOs and the threat of international terrorists infiltrating the United States using TCO smuggling channels continue to be significant threats to American security interests. The economic impact of escalating instability on both sides of the border poses another significant threat to security and prosperity. The ongoing, six year conflict between the Mexican government and the major drug cartels can best be described as one of high intensity crime instead of low intensity conflict. As described by Paul Rexton Kan, “The ongoing violence in Mexico cannot properly be called terrorism or insurgency but it is more than just a crime wave... High intensity crime involves criminal activities that are more violent and widespread in their scope and that are usually... sustained over a long period of time.”³

The Merida Initiative and other efforts over the past decade have improved the ability of the United States and Mexico to collaboratively ensure the rule of law within their borders. Still, drug related crime in the United States and TCO activity in Mexico remain pervasive. Mexico’s counter-TCO efforts have had numerous and far reaching effects including decapitating established TCO leadership structures, increasing competition between their surviving factions, and eliminating the freedom to operate that drug trafficking organizations previously enjoyed in some areas. Mexican TCOs have responded by diversifying their criminal business models, expanding their use of paramilitary tactics and dramatically increasing their use of violence against each other, government officials and members of the general public in Mexico.

To understand the security situation in the international border region, one must first understand the relationships and priorities that exist between the Mexican drug cartels, Mexico and the United States. Interests drive both strategy and policy.

Comparing the interests, goals and strategies of the three major stakeholders in the U.S.-Mexico border region enables a clearer vision of how red line usage might benefit both the United States and Mexico.

The Cartel Business Model

The extreme violence employed by the major Mexican cartels has been likened to that employed by guerrilla movements, terrorists and insurgents. These labels motivate action and describe the severity of cartel activities but they may also misdirect countermeasures by confusing the nature of the perpetrators. Ultimately, labeling the cartels incorrectly creates “policy options and strategic choices that are different from those that would be responses to criminality.”⁴ The cartel title itself is misleading in that, traditionally, cartels are confederations of business entities that collude to regulate market prices.

The Tijuana, Sinaloa, Juarez and Gulf Cartels, La Familia Michoacana/Los Caballeros Templarios and Los Zetas are loosely federated groups of multinational, criminal organizations that band together under the leadership of their respective, overarching leadership. Most accurately, the Mexican drug cartels are conglomerations of multinational criminal organizations that are often in violent competition with each other. At times, they make alliances amongst each other to combat mutual opponents. These cooperative efforts often degenerate as market conditions and regional power shares evolve. Currently, the Gulf and Sinaloa Cartels control the bulk of the operations and narco-trafficking corridors within the U.S. – Mexico border region.

Their collective interests are: “capital gains” (increasing the flow of illicit funds); control of market share; and survival in the face of determined opposition. The cartels achieve capital gains through illegal commerce in northbound narcotics sales, immigrant

smuggling, human trafficking and related services – all of which are extremely lucrative. Southbound flows of cash, weapons and ammunition provide the other half of their business model. Like most non-illicit business enterprises, they continually pursue avenues for diversification, expansion and corporate growth.

Mexican TCOs compete for market share through ownership, protection, exploitation and dominance of the smuggling corridors into the United States. The contested narco-supply chain includes: sources of narcotics; facilities and conduits for production and processing; transportation, warehousing and storage; and distribution networks for their products. All of these elements in their industry's value chain should be familiar to most corporate managers and strategists. Violent TCO rivalry is motivated by the struggle for control of market share and cartel members are constantly fighting for organizational and personal survival. Collectively, Mexican TCOs face intense pressure from each other as well as from the governments of Mexico and the United States.⁵

This core business model is what separates the Mexican TCOs from traditional trans-national, violent organizations that also employ the use of terrorism, guerrilla warfare and insurgency to meet their goals. TCOs do not seek to replace or destroy the government of Mexico. Instead, they endeavor to reduce the government of Mexico's ability to either impose the rule of law in TCO-controlled areas or to interfere with international and regional narcotics operations. The destruction of the Mexican government – as might be pursued by an insurgency – would most likely serve to actually impair cartel operations by creating an even more chaotic environment and reducing the market conditions that protect TCO business.

Likewise, there is no ideological principal the cartels are collectively trying to force upon any other group within their sphere of influence.⁶ Instead, Mexican TCOs maximize their freedom of maneuver through the use of propaganda, extreme violence, intimidation, extortion and other traditional terrorist tools. These tactical tools serve to support their corporate strategies by removing business threats like law enforcement agencies, media exposure, or competing cartels. Juan Zarate, a senior advisor to the Center for Strategic and International Studies, describes the cartels' transnational business model by illuminating the line of demarcation from mere criminal activity to national security threat. The illicit and financial elements of globalization "create marriages of convenience between criminality, insurgency and terrorism... (thereby creating) a new environment in which...criminal and terrorist (actors)... can operate in the same territory... an environment where you see the Mexican problem emerging as national and international security concerns."⁷

Mexican Interests and Strategic Posturing

As previously stated, the Mexican economy is thriving. President Enrique Peña Nieto is initiating reforms designed to set the stage for a socio-economic revolution that could quickly place Mexico among the ranks of first world nations. Mexico's primary interests seem to be: sustaining its current economic growth; managing its relationship with the United States of America; managing potential instability driven by its historic economic inequalities; and controlling the borderlands between itself and the United States.

Mexico's greatest potential instability is perhaps not even connected to TCOs – though it has similar root causes. Rather, it is a result of the geopolitical and historical factors creating the wide gap between the country's rich and poor. "More than 50% of

Mexico's population lives in poverty, and some 14.9% of its people live in intense poverty... (yet) Mexico has entered the ranks of the leading economic powers... When we look at the distribution of wealth, the internal reality is that, like China, Mexico has deep weaknesses.”⁸

As Mexico’s growing middle class becomes both educated and powerful, they are demanding more things from their government – opportunity, accountability and, above all, public safety. Demands for change amongst the established political and economic power holders, largely in Mexico City, present a potential revolutionary threat to the status quo. President Peña Nieto and his Institutional Revolutionary Party (PRI) must balance changes on both sides of the divide well enough to ensure the national unity required for continued forward momentum. In the shadow of these first three national interests, high intensity crime by TCOs competing for control of trade routes in the borderlands appears to present a significant, but potentially manageable, threat to Mexican national interests.⁹

President Peña Nieto’s inaugural strategy reflects these prioritized interests and is focused on improving Mexico’s well-being¹⁰ His concentration on security through enforcing individual rights, economic reform and regional leadership¹¹ may be just what it takes to propel Mexico into a brighter future. It may also reflect a smaller appetite for direct confrontation at a time when his primary adversary – the Mexican TCOs – profit most from a low profile. Therein lies the significant threat to Mexican national interests. The instability generated by TCO competition is an assault on the rule of law and is creating a cancerous environment that could destroy the very entrepreneurial spirit so required for economic prosperity.

The United States' Response

Conditions and policies in the United States continue to shape economic prosperity on both sides of the border as well as the international response to TCOs, immigration and instability issues in the U.S. and Mexico. The United States' declared interests are to: defend the homeland; sustain economic opportunity and growth; maintain and promote the universal human values espoused in rule of law; and sustain international order based on cooperation and multilateral effort.¹² America's status as one of the world's strongest economies with the third largest population is derived from her protection of these core interests. Domestic stability maintained through the rule of law enables American economic security, which, in turn, empowers national defense. Reflexively, national defense then serves as a shield to both domestic stability and economic strength.

The interests, priorities and relationships of and between these three entities – Mexican TCOs, the Government of Mexico and the United States – shape and define what policy approaches can be undertaken and which will be effective. U.S. policy during the past decade has emphasized security cooperation to enable Mexico's efforts against TCOs. It has now shifted to a broader attempt at assisting Mexico in improving the rule of law. Throughout, U.S. policy makers have attempted to strike a balance between providing international security support to Mexico, protecting Mexican concerns about sovereignty, and increasing economic collaboration.¹³

Understanding the three-way relationship between TCOs, Mexico and the United States enables more effective discussion of red lines for homeland security and homeland defense strategists. Growing narco-terrorism and the instability generated by TCOs poses a significant national defense threat to the United States because the U.S.

cannot enable lasting economic growth or stability for either itself or its southern partners without the protections enabled by the rule of law. The United States cannot help Mexico counter high intensity crime or meet the threats of a growing cross-border, narco-criminal culture if we do not first understand what drives TCO decision-making.

Framing Red Lines

While the term is gaining tentative admission to the foreign policy lexicon, the concept of red lines is as old as the art of negotiations. Properly constructed red lines can influence and change the behavior of their targets by clearly establishing what the red line proponent will and will not tolerate. The threat of meaningful and decisive action in response to violated red lines is just as important as the limit itself. Red line decisions for the employment of force should be, and typically have been, grounded in the tenants of just war theory – which holds that all nations have a right to defend themselves against foreign aggression and violations of their national sovereignty.

Red lines set boundaries for action between competing entities by establishing what will and will not be endured. Unlike treaties or legal agreements, red lines informally create “rules that just as clearly guide action... Red lines create predictability and... foster stability by heading off avoidable conflicts and forming the context for diplomacy.”¹⁴ States or negotiators can define their priorities and emphasize their hard limits through red lines in ways that are non-binding but which still provide a clear transition point between tolerance and unilateral action. Such red lines can reduce both uncertainty and misperception and, in so doing, make conflict less likely.

Using red lines demands the question of what such limits should focus on. Possible examples in the case of Mexican TCO violence include red lines targeting collaboration with international terrorists, mass and sustained spillover violence into the

United States and the second order effects that might occur should extreme violence create refugee movements. Red line usage also raises the question of what kind of response breaching established red lines should bring. Options against the Mexican TCOs include increased law enforcement activity, tightened border controls, and various types of military intervention. Most importantly, the potential of red lines as policy shaping tools raises the question of how red line employment by the United States government might increase the national security of both the United States and Mexico.

Any discussion of red line options between the United States and Mexico must include careful, diplomatic coordination with our southern neighbors. The proximity of Mexico, compared to all other potential U.S. red line scenarios, makes this situation unique and demands a delicate, mutually respectful and tactful engagement strategy. Unilateral ultimatums by either nation would only serve to break down the trust that has been established through hard work and extensive multilateral coordination over the past decade. Continued U.S.-Mexican security cooperation and key leader engagements that develop unified public or private red lines against the Mexican TCOs are required to overcome our long-remembered legacy of intervention and mistrust.

Red Lines Defined

Mature, well-crafted and communicated red lines are tools for facilitating diplomacy and mitigating potential conflict escalation.¹⁵ More than being issues of concern, red lines are connected to those critically important issues for the party establishing them. They “are therefore a necessary component of all threats, including those that do not use the term explicitly. The coercer threatens punishment for noncompliant actions falling on one side of the red line, and declares the intent not to punish for compliant actions falling on the other.”¹⁶ In essence, overt red lines are a

means for one negotiator to frame the desired actions of their opponent and to communicate when such actions would precipitate a serious response. The effectiveness of red lines is bound by the conditions in which they are made.¹⁷

Red lines must be both credible and enforceable – every threat makes a demand and every demand, in turn, establishes a red line. Targeted audiences must believe that the line will be defended once crossed and established red lines must “correspond to an action that can be detected and then countered or prevented in order to be able to carry out the threatened alternative.”¹⁸ Strong red lines serve as a backstop for negotiating agents such that both parties know just how far the other is truly willing to go as well as what they are willing to endure.¹⁹

Conversely, weak red lines defang negotiators and perpetuate freedom of action by their opponents. Red lines become vulnerable when they use imprecise, arbitrary, narrow or unverifiable conditions. Imprecision is caused by ambiguous limits where it is unclear whether potential actions violate the established “line”. Arbitrary red lines show little difference between the standard and possible alternatives. Narrow red lines encourage flanking strategies because adversaries are able to achieve the object of the demand – “the letter of the law” – while still refusing to comply with it. Finally, unverifiable red lines do not immediately reveal whether they have been broken or crossed because they contain definitional problems or because they lack clear metrics or the intelligence assets required to establish the opponent’s behavior.²⁰

Negotiators can test the feasibility, acceptability and sustainability of their red lines by asking the following questions.

- Is it clear what my demand does and does not include? (Precision.)

- Does my demand set an arbitrary red line that is only slightly different from other possibilities? (Reasoned.)
- Can my adversary achieve the technical object of my demand while still refusing to comply with it? (Broad.)
- Will I know immediately if my adversary has complied with my demand?²¹ (Verifiable.)

Red Lines Defined in the Context of Mexican TCOs

Clearly established red lines for military involvement could enhance the security efforts of the United States and Mexico by establishing that tipping point between bilateral, mutually supportive action and unilateral action by the U.S. against TCOs to defend mutual, national interests. Currently, American counter drug strategy keeps this three-way relationship centered within the realm of law enforcement and homeland security operations. These activities, by the nature of the United States' federal structure, are disparate, decentralized and coordinated through a combination of cooperative agreements and interagency task forces and fusion cells.

Law enforcement operations fall under the federal leadership of the Department of Justice (DOJ). Homeland security operations, in turn, fall under the Department of Homeland Security (DHS) and are normally prosecuted using a law enforcement approach to protect national and local interests. These approaches are the most appropriate and comprehensive stance for almost all of the security scenarios that could be presented by TCOs – especially those operating in northern Mexico. They are grounded in an interagency base of collective experience gained through years of cooperative engagement with counterparts at home and in Mexico.

Yet, there remain a small number of security situations that are so dangerous that they render law enforcement, and even traditional homeland security, approaches inadequate. International terrorists collaborating with cartels to smuggle a nuclear weapon into the United States is one of those scenarios that would clearly demand swift, comprehensive and decisive action to defend American citizens. Law enforcement approaches in these types of scenarios might actually exacerbate the problem by being too constrained – either in resources, capabilities or authorities – to protect national interests in a timely or effective manner. The tipping point between national security and national defense lies at the perpetrator's transition from criminal activity to significant military action.

That tipping point is also a potential line of demarcation for shifting the lead federal agency from the DHS or the DOJ to the Department of Defense (DOD) – if only for as long as it takes to return to pre-crisis conditions. A well constructed, multilateral red line might also make that tipping point a trigger for complementing Mexico's internal capacity with direct support to their own law enforcement agencies and military so they could more capably respond to a time sensitive threat within their own borders. The key component in all of these considerations is managing constructive and comprehensive bilateral relations between the interagency communities of both Mexico and the United States. These relations should be maintained while simultaneously ensuring that there are clear limitations to the national security threats posed by Mexican TCOs and that those limitations are expressed in the communications conducted and understood by both governments.

When Red Lines are Inferred – A Case Involving Mexican TCOs

A contemporary red line example, albeit an inferred one, has already been established by the TCOs based on their expectations of American tolerance. While the DOD, DHS and DOJ do not have publicly established red lines for instability or violence stemming from northern Mexico, they have spent considerable effort defining spillover violence in order to contextually shape the problem. 2010 testimony by the Federal Bureau of Investigation (FBI) and DEA before the U.S. Senate Caucus on International Narcotics Control frames their concerns. “Spillover violence entails deliberate, planned attacks by the cartels on U.S. assets, including civilian, military, or law enforcement officials, innocent U.S. citizens, or physical institutions such as government buildings, consulates, or businesses.”²²

This definition makes no attempt to address red lines but it frames U.S. concerns about the limits of narco-terrorism. It raises questions surrounding how much narco-violence is ‘too much’ and it creates problems by painting high intensity crime in the same context as terrorist attacks. In the words of Sylvia Longmire, Small Wars Journal, one of this definition’s most glaring issues is that it “doesn’t take into account trafficker-on-trafficker violence, which is the fundamental nature of (the TCO) related violence happening in Mexico...”²³

The cartels clearly seem to be listening to the implicit message. Collectively, they appear to have contained their most violent and extreme operations south of the border. Despite continued trends in excessive violence like the November, 2012 kidnapping, torture and assassination of former mayor Maria Santos Gorrostieta in broad daylight,²⁴ there has been a comparatively deceptive lack of violence in the United States. John Cook, mayor of El Paso, Texas, described his surprise at the public safety north of the

border in 2009. “It’s strange to be the third-safest city in the United States right next to a war zone.”²⁵ As described by Kan,

The ‘war zone’ the mayor referred to is across the border in Ciudad Juarez, Mexico, where over 6,000 people have been killed since 2006. In 2010, there was one homicide in El Paso. In that same year in Juarez, someone was slain every three hours... (in the past six years) over 50,000 Mexicans have been killed, and many Mexican cities have witnessed horrific scenes of drug cartel cruelty, including dismemberment and beheadings.²⁶

The Mexican TCOs may have inferred two red lines for cartel operations in the United States. First, keeping high intensity crime restricted to Mexico provides their greatest adversary – American law enforcement – a sense of deniability and feeds the political argument that border security is not threatened. Second, for those locales that have not been immune to increased cartel crime (e.g., Phoenix, Arizona where home invasions have surged and where kidnappings exceeded one a day in 2008²⁷) the violence is carefully constrained to the cartel, gang and illegal immigrant communities. These self-imposed constraints allow a narrative that argues Americans are not really at risk of TCO violence except for those few criminals who bring trouble upon themselves. Adherence to these inferred red lines maximizes TCO and gang freedom of maneuver within our country and across the border. Furthermore, they reduce the chances that Americans will be motivated to get more directly involved in Mexico’s internal security affairs.

The Case Against Explicit Red Lines

A final consideration in defining and using red lines is the potential value of not having them at all in the traditional sense of publicly established red lines designed to deter opponents. If establishing them creates an insurmountable barrier to good partner relations between the United States and Mexico, there is also potential value in having

internal red lines for U.S. interagency planning purposes. Contemporary American foreign policy rightfully discourages red lines for most diplomatic engagements in favor of maximizing decision-making flexibility – most international scenarios demand protection from being painted into corners. In the relationship with Mexico, the United States must carefully walk a fine line between desired outcomes for the U.S. and the combined weight of Mexican capacity and political will. Mexico's long history of frustration with (and real or perceived victimization by) American foreign policy will continue to taint our cooperative relationship. "Big stick" diplomacy and the 1916 punitive expedition into Mexico impacted Mexican sovereignty and perceptions in visceral ways that are still salient today.

Assertive U.S. red lines targeting cartel reach in the face of the very American demand that is empowering and enriching the cartels while destabilizing Mexico could actually backfire. Instead of coercing the TCOs and fostering cooperation with the Mexican governmental, poorly constructed red lines could offend Mexican officials and public sentiment such that they opt for appeasement and self preservation over collective, bilateral security. This potential 'side effect' of assertive red lines needs to be considered.

Private red lines – ones that are internally established but not communicated outside of the organization – have value in facilitating realistic planning, preparation and mitigation. Privately managed red lines are an acknowledgement of potential, 'high-risk' scenarios that planners can use to establish cooperative limits, common operating pictures and mutually supportive triggers for operational plans. The strength of privately managed red lines lies in their potential for increasing readiness so that, should the

worst happen, international and interagency planners are able to transition to effective responses quickly and efficiently.

Historic Red Lines and the Failure to Use Them

There's no lack of examples where nations established tipping points for unilateral action or failed to use them when needed. Antagonists often push the boundaries of diplomatic patience for their own gain and, in most cases, effective red lines might curb their actions by coercing alternate decisions or establishing meaningful triggers for protagonist intervention before the threat becomes existential. The Balkan Wars of the 1990s and the 2012 Israeli-Palestinian escalation illuminate red line considerations well.

NATO Intervention in the Bosnian War (1992-1995)

The United Nations (UN) response to the Bosnian war is a prime example where failure to employ red lines increased risk and compounded the problem. Serbia's efforts to control traditionally Serbian enclaves within Bosnia-Herzegovina drew UN concern as early as 1991. By 1992, the civil war drew international attention for the volume of war crimes being conducted including the siege of Sarajevo, ethnic cleansing, concentration camps and the systemic rape of some 35,000 Bosnian women.²⁸ These campaigns consolidated Serbian communities for the benefit of Serbia by targeting civilians in order to kill or drive out the non-Serbs living there.²⁹ The world community responded with a series of four UN Security Council Resolutions that incrementally established an observer mission and enabled the defense of civilian safe areas. Finally, in 1994, Operation Deliberate Force employed NATO aircraft to target the ground forces prosecuting the ethnic cleansing and it was this action that brought the Serbian government to the negotiating table enabling the Dayton Peace Agreement of 1995.

UN and NATO intervention was employed on a sliding scale that exacerbated the impact of the atrocities being committed. Much like British appeasement of the Nazis, red lines were never established and Serbian war crimes continued unabated for three years until preemptive and direct action was used to interdict Serbian ground forces. Serbian war crimes resemble the high intensity crimes of Mexican cartels in their use of extreme violence to achieve compliance, support or silence. Like the U.S. response to the ongoing cartel war, the European community responded to Serbian war crimes with a stubborn fixation on traditional definitions of conflict.

Serbia's ethnic cleansing campaign against the Bosnians clearly warranted swift, comprehensive and deliberate prevention. Despite overwhelming evidence that the conflict exceeded normal boundaries, the world community eased into an international response that emboldened Serbian perpetrators. The UN and NATO's unwillingness to establish clear boundaries – red lines – compounded the situation on the ground and their legalistic approach constrained them from taking meaningful or timely action.

Israeli Response to Palestinian Rocket Attacks (2012)

The 2012 escalation between Israel and Hamas illuminates the value of unspoken red lines for national defense preparedness. While Israel is an outspoken proponent of using red lines – especially in regards to Iran³⁰ – they do not have publicly stated red lines related to aggression from Palestinian militant groups. In October, 2012, Palestinian militants operating in the Gaza strip increased the intensity of their routine attacks against Israeli Defense Forces including more than 100 rocket and mortar attacks into southern Israel.

The Israeli's responded by launching Operation Pillar of Defense against Hamas' military leadership and long-range rocket storage sites. In turn, Hamas dramatically

increased the volume of their assaults including long range attacks into Jerusalem and Tel Aviv³¹ - the first time these two cities had been rocketed since the 1990s. The number of Palestinian rocket attacks approached 1,500 over the span of two weeks and Israeli Defense Forces conducted a large-scale mobilization, stepped up their bombing campaign and prepared to invade Gaza. International negotiations brought both sides back from the brink of ground combat and Israel stood down their forces outside of Gaza.³²

It is probable that the Israelis have established some level of Palestinian militant violence they deem acceptable and some level that is the tipping point from national security to national defense. Once Hamas crossed that decision point – that internal red line for planning purposes – the Israelis rapidly transitioned to a wartime footing. Obviously that private red line did little to deter aggression by Hamas; however, the rapid Israeli mobilization that it enabled, the imperviousness of their air defense network and the effectiveness of their air strikes against military targets in Gaza collectively established a picture of strength and resolve – all of which was to Israel's advantage during the ensuing negotiations.

While Mexican TCOs are not likely to be launching rocket and mortar attacks against U.S. targets in any foreseeable future, the Israeli case bears pertinent similarities in that it is rooted in border instability, ongoing cycles of extreme violence and decisions related to escalations in the use of force. It also reveals the high level of provocation a nation can endure if it is willing to establish internal limits – America's track record is not so disciplined. The last time the U.S. military was attacked from

Mexico, the United States launched an eleven month incursion to kill or capture the insurgent Francisco “Pancho” Villa.³³

Israel’s recent example demonstrates the benefits of establishing internal decision points related to a growing threat. When common understandings of the red line limits are established – even if privately – then unity of action and tactical patience become much simpler to manage across the whole of government. Internal and private red lines can be used to facilitate course of action development so that efficient speed to action is possible when needed. By keeping red lines private, planners and policy makers are able to define how much is ‘too much’ while limiting potential sources of resentment for regional partners and concurrently ensuring they do not reveal their limits to adversaries.

Potential Red Lines for Counter-TCO Efforts in Mexico

The most dangerous threat that TCOs pose to Mexico is their potentially destabilizing effect on the rule of law and social order. Their track record of using extreme violence, coercion and intimidation has literally depopulated some Mexican townships and, in the ensuing debate between silver or lead (“plata o plomo” in Spanish), many Mexican and some American officials have opted to work for them making corruption a serious problem. Officials on both sides of the border have simply found themselves out gunned and too under-resourced to risk opposing the TCOs. Mexico is a long way from becoming a failed state but the impacts of state failure in even small portions of Mexico combined with the pervasive nature of TCO influence warrant serious consideration of potential red lines.

Partial state failure in the border region is a serious – perhaps even an existential – threat to the government of Mexico despite their apparent confidence that their current

TCO situation is manageable. The potential impacts of a partially failed Mexican state pose a significant threat to the United States. Three scenarios that deserve red line consideration and which might merit unilateral U.S. employment of DOD assets in response to TCO violence are:

- Significant collaboration between Mexican TCOs and foreign terrorist organizations;
- Sustained instances of cross border, high intensity crime; and
- A mass exodus of narco-refugees from Mexico into the United States.

The following hypothetical situations descriptively portray the type of scenarios that could bear consideration as either public or private red lines. They are intended to further the red line conversation and are not meant as comprehensive recommendations for national security policy. Rather they are meant to be illustrative of the potential utility of red lines in this context.

TCO Collaboration with Terrorists

Sustained collaboration between the Mexican TCOs and foreign terrorist organizations has the potential to create regions of lawlessness similar to that seen in the Waziristan border region of Pakistan and creates an opportunity for terrorists to exploit such regional conditions to target the United States. Conceivable collaboration could include smuggling weapons of mass destruction into the United States, harboring foreign terrorist organizations in safe havens along the border region or the purposeful destabilization of the border regions by third parties – including potential, adversarial nation-states – to significantly impact U.S. security. Currently, no public red lines exist related to this type of scenario and one is left to speculate that public discussion of

these possibilities may be too inflammatory for leaders on both sides of the border. However, this high-risk threat is arguably already happening on a small scale.

As early as 2010, law enforcement agencies in the United States and Mexico began discussing the influence of travelers from terrorist groups such as Hizbullah, Hamas and the Egyptian Islamic Jihad “tapping into global alien smuggling networks to abet their movements around the world, including to the United States.”³⁴ Recently, the DEA, FBI and their Mexican counterparts released the details of an apparent Iranian government assassination plot that attempted to leverage cartel agents in December, 2011. The indictment details a \$1.5 million assassination mission conceived, sponsored and directed from Iran. The target was the Saudi Arabian ambassador to the United States and the mission was to be undertaken on U.S. soil. The plotters attempted to hire Mexican drug cartel hitmen but they mistakenly contacted U.S. government informants rather than real Mexican TCO operatives. This assassination was to be just the first in a planned series if the campaign could have been successfully carried out.³⁵

DOS, DHS and DOJ policies emphasize law enforcement approaches to TCO activities and the government of Mexico is concurrently employing the Mexican military in law enforcement roles. It is probable that cartels would resist collaboration with foreign organizations that threaten their own sovereignty and operational flexibility. Nevertheless, disruption efforts against TCOs – and leadership transitions to increasingly junior and less disciplined operators – could impair collective decision making as already seen in other areas of the cartel business model. Multilateral, public red lines by Mexico and the United States could have the effect of discouraging TCO

collaboration with foreign terrorist organizations while private red lines would enable leaders from all agencies to plan for potential worst case scenarios.

This is the easiest scenario for developing effective and defensible red lines against TCO activities. Threatening unilateral and direct military action in response to cartel-terrorist collaboration is justifiable within the international laws of war because it would be a defense against attacks on the United States and a clear protection of U.S. national sovereignty. Precise, reasoned, broad and verifiable red lines are achievable in this scenario and could take several forms including: a prohibition against TCO collaboration with foreign terrorist organizations to attack or support attacks on the United States or Mexico; definitions about what constitutes those attacks; and indicators about what levels of support would be interpreted as 'collaborative'. Military cooperation between both countries is already strong and such a cooperative effort could serve as an impetus for increasing national, military and law enforcement intelligence sharing between the United States and Mexico.

High Intensity, Cross Border Crime

This is a much harder scenario to craft effective red lines for. It is conceivable that drug related violence in the United States could escalate to levels that cause law enforcement agencies to comprehensively fail at the municipal, county or state levels. Such sustained, high intensity, cross border crime is arguably a direct national security threat to public safety in the United States for all of the reasons it is currently threatening Mexico's current future. Potential examples might mirror the assaults on rule of law now being seen in Mexico. They could also take the form of violent campaigns against law enforcement agencies, open coercion of the media or uninhibited and large scale conflict between TCO factions within American cities.

The National Response Framework and the Posse Comitatus Act drive current federal response policies during periods of short-term lawlessness. The Insurrection Act of 1807 provides a framework for the President of the United States to deploy federal troops within the U.S. to control large-scale lawlessness, insurrection and rebellion. There is no current public policy or red line that frames a potential U.S. military response inside Mexico, either in support of the Mexican military or unilaterally as seen in the 1916 Punitive Expedition. Such a policy would likely inflame deep-rooted resentments about American unilateralism and could significantly impair Mexico's political will or practical capability to support American counter drug efforts. Such a policy would require considerable diplomatic groundwork to ensure that any benefits to be gained were not drowned in a public backlash.

Threatening multilateral, direct military action against the Mexican TCOs in response to spillover violence is a grey area in light of the international laws of war because delineating the transition from criminal to military threats is so difficult. Currently, drug traffickers violate U.S. national sovereignty every day and, under normal circumstances, it makes the most sense to frame national responses to cross border crime within the limits of law enforcement activities. Precise, reasoned, broad and verifiable red lines are also more difficult in this scenario because of the divergent and covert nature of cartel operations. It is extremely challenging to frame the nature of high intensity, cross border crime in meaningful ways and this challenge would lend itself to the often quoted standard that Supreme Court Justice Potter Stewart used to describe obscene materials when he said, "...I know it when I see it."³⁶

The fact that this scenario lends itself so readily to weak and ineffective public red lines – ones that TCOs could potentially exploit – is a strong argument for its usefulness in establishing private, internal red lines for planning purposes. Interagency and international leaders in both countries could use such private decision making tools as a means of developing contingency and operational plans. Should a direct connection between spillover violence and cartel activities ever become a significant and sustained reality, private red lines could facilitate bilateral readiness for the United States and Mexico.

Narco-Refugees

This final scenario also presents significant challenges for developing effective, public red lines. However, mass movements of refugees seeking safe haven from the violence of a Mexican TCO war zone would clearly present significant homeland security challenges. General Barry McCaffrey, former head of the U.S. Office of National Drug Control Policy, recently wrote that a “failure by the Mexican political system to curtail lawlessness and violence could result in a surge of millions of refugees crossing the U.S. border to escape domestic misery of violence, failed economic policy, poverty, hunger, joblessness, and the mindless cruelty and injustice of a criminal state.”³⁷ In the words of Paul Kan, “narco-refugees may be a strategic shock, a ‘threat of context,’ but they may also foreshadow potentially greater shocks for U.S. policymakers to tackle. Such shocks will mirror what other large refugee waves have created in other countries, but will have features unique to the U.S.-Mexico relationship.”³⁸

This is an extreme example that would only materialize in the very unlikely event of Mexico becoming a failed state – an improbably scenario that has already been addressed. The value of this hypothetical case lies in its ability to portray a red line

example even if the context is dubious. Aside from the potential political and law enforcement costs of such refugee camps, there would be numerous other associated problems in this red line scenario.

Large-scale refugee camps create subcultures of their own and it is not uncommon for them to serve as platforms for vigilantism, political extremism and violence as well as for continued action by warring parties. The former might conduct condition setting incursions back into their homelands from the safety of the United States as they battle the forces that drove them from their homes. The latter could mask criminal operations through refugee camps to extend their reach into the United States. Such dynamics have existed in other conflict zones diasporas throughout the Middle East, Africa and Asia. Given a mass refugee migration into the United States, both scenarios could easily develop in concert with each other.

Red lines related to refugee movements created by TCO violence present a complex problem set. Unilateral DOD action against the TCOs may not be justifiable in accordance with international law because such a humanitarian crisis would not constitute an attack, per se, on the United States even though it may pose a threat to national security interests. Such a situation would create conditions that infringe upon U.S. sovereignty. In this scenario, DOD activities in the homeland would most likely focus on defense support to civil authorities (DSCA) designed to enable the DHS as well as state and local agencies to provide humanitarian relief and conduct border security activities.

Red lines related to narco-refugees might focus on U.S. military operations to assist the government of Mexico with setting conditions to re-establish the rule of law

within the border regions including supporting and training the Mexican military or providing increased technological capabilities to them. Such a scenario could even warrant unilaterally imposing certain restrictions or policies to restore those conditions until the Mexican government was able to resume control for themselves. This would obviously be controversial and would probably elicit negative public and political responses in both the United States and Mexico. As such, this is another situation in which the difficulty of establishing precise, reasoned or sufficiently broad red line conditions would make it relatively easy for TCO agents to skirt around any public red lines. The decentralized nature of the Mexican TCO networks would also make verification of cause and effect relationships between individual TCO elements and conceivable refugee movements very difficult.

These challenging considerations make the hypothetical scenario of a narco-refugee exodus into the United States a poor candidate for public red lines targeting cartel activities. They do, however, make a strong argument for private red line consideration by the United States interagency community as well as for U.S. and Mexican military to military collaboration. Private red lines in this scenario could serve as a source of improved planning, preparation, mitigation and efficient decision making for interagency and intergovernmental planning.

Red Lines in Perspective

These scenarios may seem far-fetched in the context of current conditions in much the same way that a terrorist attack on our strategic centers of power seemed unthinkable on September 10th, 2001. Their low probability but potentially high impact make their threat to U.S. national security a comparatively low risk; however, while comparatively low, they still constitute a real and serious risk that warrants further

consideration by both defense and security policy makers alike. Care and tact is needed in this effort as public red lines put forth by the United States could offend our Mexican partners and it is critical to maintain the collaborative effort both countries have mutually benefitted from over the past decade.

There are no hard and fast solutions to the problems in Mexico or to the challenges bilateral border security. Well-designed red lines, though potentially disconcerting, could send a strong message to cartel leaders by establishing a clear line in the sand. This, in turn, could motivate or coerce Mexican TCO leaders to curtail worst-case scenario activities like collaboration with international terrorists against the United States or Mexico. In so doing, well-crafted red lines would foster self-policing efforts amongst the cartels to ensure their own collective, corporate longevity. Mexican TCOs engage in seemingly inhuman violence but there is a perverse logic to their behavior – one driven by their ability to create incredible profits through the continued trafficking of narcotics.

While enhancing cartel survival is not in the interests of the United States or Mexico, convincing them that certain pursuits pose an existential threat to their existence may well be. Conversely, if public red lines are too threatening to our cooperative relationship with Mexico or if they are too vague to be enforceable or feasible, then privately established red lines could serve as a strong planning and decision making tool. Such red lines could enable law enforcement and military planners in both countries to focus their efforts on prioritized, worst-case scenarios that coincide with mutually supporting national policies. Should the unthinkable become

reality, private red lines provide a common framework for interagency and international leaders to quickly, effectively and collaboratively base their decisions.

Security on both sides of the southwest border must be addressed now more than ever as the United States withdraws from a decade of war in the Middle East, focuses internally on economic reform and downsizes her government agencies with broad and far reaching budget cuts. The U.S. aversion to red lines is well founded in regular foreign policy scenarios that pose themselves as ‘away games’. However, the ‘home game’ threat posed by Mexican TCO narco-terrorism impacts citizens and interests on both sides of the border. Cartel violence is a significant enough threat that it requires the United States to come to terms with establishing selective and well-crafted red lines to engage our partners in Mexico so we can collectively confront our common enemy in the TCOs.

Endnotes

¹ Al Jazeera, “Israeli PM Sets ‘Red Line’ Over Nuclear Iran,” Al Jazeera English, September 28, 2012, available at <http://www.aljazeera.com/news/americas/2012/09/2012927154228135624.html>.

² Anthony Placido, “The Hybrid Threat - Crime, Terrorism and Insurgency in Mexico,” ed. by Frank J. Cilluffo and Bert B. Tussing (Carlisle Barracks, PA: The Center for Strategic Leadership, U.S. Army War College, 2011), available at <http://www.csl.army.mil/usacsl/publications/HybridThreatMonographInternetVersion.pdf>, 37.

³ Paul Rexton Kan, *Cartels at War: Mexico’s Drug-Fueled Violence and the Threat to U.S. National Security* (Washington D.C.: Potomac Books, 2012), 10-11.

⁴ Ibid., 7.

⁵ Kan describes five laws of cartel corporate logic. These business rules define the narcotics enterprise and help to protect the cartels from internal fragmentation, external challenges and potential elimination.

- Law 1: Act to fill a demand but stimulate other markets.
- Law 2: Use purposeful, directed violence rather than random acts of violence.
- Law 3: Corrupt state agents through incentives or intimidation.

- Law 4: Develop and employ soft power.
- Law 5: Cultivate community support or acquiescence.

Ibid., 25-32.

⁶ It is true that a few cartels (e.g., La Familia Michoacana) have some vaguely political or religious aims that are expressed in their foundational roots or in the public messaging they conduct to support their narcotics operations. However, the major Mexican TCOs are intrinsically driven by their narcotics business model.

⁷ Juan Zarate, "The Hybrid Threat - Crime, Terrorism and Insurgency in Mexico," ed. by Frank J. Cilluffo and Bert B. Tussing (Carlisle Barracks, PA: The Center for Strategic Leadership, U.S. Army War College, 2011), available at <http://www.csl.army.mil/usacsl/publications/HybridThreatMonographInternetVersion.pdf>, 47.

⁸ George Friedman, "Mexico's Strategy," STRATFOR – Geopolitical Weekly, August 21, 2012, available at www.stratfor.com/weekly/mexicos-strategy.

⁹ "So long as the violence does not overwhelm the heartland, it is tolerable. The inflow of money does not offend the Mexican government... The Mexican strategy is to try to block the spread of lawlessness into Mexico proper... (while accepting the ongoing) lawlessness in a region that historically has been lawless."
George Friedman, "Mexico's Strategy," STRATFOR – Geopolitical Weekly, August 21, 2012, available at www.stratfor.com/weekly/mexicos-strategy.

¹⁰ Enrique Peña Nieto, "Americas: Mexico's Moment, Enrique Peña Nieto, Mexico's Newly Elected President, Sets Out His Priorities," The Economist, November 21, 2012, available at <http://www.economist.com/news/21566314-enrique-pe%C3%B1a-nieto-mexicos-newly-elected-president-sets-out-his-priorities-mexicos-moment>.

¹¹ Ibid.

¹² As defined in the 2010 National Security Strategy, "American interests are enduring. They are:

- The security of the United States, its citizens, and U.S. allies and partners;
- A strong, innovative, and growing U.S. economy in an open international economic system that promotes opportunity and prosperity;
- Respect for universal values at home and around the world; and
- An international order advanced by U.S. leadership that promotes peace, security, and opportunity through stronger cooperation to meet global challenges."

Barack Obama, "National Security Strategy," National Strategic Document, Office of the President of the United States of America, Washington, May, 2010, 7.

¹³ "The United States and Mexico have a close and complex bilateral relationship as neighbors and partners under the NAFTA, although security issues have recently dominated the U.S. relationship with Mexico. The outgoing... government of Felipe Calderón has pursued an aggressive anticrime strategy and increased security cooperation with the United States. These

efforts have helped Mexico arrest or kill record numbers of drug kingpins, but more than 55,000 people have died as a result of organized crime-related violence since December, 2006. Mexico's ongoing security challenges have overshadowed some of the Calderón government's achievements, including its successful economic stewardship during the global financial crisis and expansion of healthcare coverage."

Clare Ribando Seelke, "Mexico: Issues for Congress," Congressional Research Service, September 24, 2012, available at <http://fpc.state.gov/documents/organization/145101.pdf>.

¹⁴ Michael Singh, "Why Obama Needs a Red Line on Iran," The Washington Post, October 7, 2012, available at <http://brainerddispatch.com/opinion/other-opinion/2012-10-07/us-needs-credible-red-line-iran>.

¹⁵ Ibid.

¹⁶ Daniel Altman, "Red Lines and the Fait Accompli: A Theory of Bargaining, Coercion, and Crisis among Nations," (PhD dissertation, Massachusetts Institute of Technology – Political Science, November 11, 2012).

¹⁷ Ibid.

¹⁸ Michael Singh, "Why Obama Needs a Red Line on Iran," The Washington Post, October 7, 2012, available at <http://brainerddispatch.com/opinion/other-opinion/2012-10-07/us-needs-credible-red-line-iran>.

¹⁹ Daniel Altman, "Red Lines and the Fait Accompli: A Theory of Bargaining, Coercion, and Crisis among Nations," (PhD dissertation, Massachusetts Institute of Technology – Political Science, November 11, 2012).

²⁰ Ibid.

²¹ Ibid.

²² "Excessive violence by the cartels is a national security problem for Mexico, and—as our close neighbor and political ally—presents high stakes for the United States. In the past year, U.S. intelligence and law enforcement agencies have worked diligently to reach a consensus view on "spillover" violence and on U.S. vulnerability to the Mexican cartels' violent tactics. As agreed to by the interagency community, spillover violence entails deliberate, planned attacks by the cartels on U.S. assets, including civilian, military, or law enforcement officials, innocent U.S. citizens, or physical institutions such as government buildings, consulates, or businesses. This definition does not include trafficker on trafficker violence, whether perpetrated in Mexico or the U.S.

Spillover violence is a complicated issue. It is crucial, in order to address the problem with the appropriate programs, resources, and operations, that we understand the difference between the intentional targeting of innocent civilians in the United States, or official U.S. government interests in Mexico or the United States, and actions that are characteristic of violent drug culture, such as the killing of an individual who owes a drug debt... Certain isolated incidents in the United States... are frightening, but do not represent a dramatic departure from the violence that has always been associated with the drug trade..."

Kevin L. Perkins and Anthony P. Placido, U.S. Senate Caucus on International Narcotics Control, Washington, DC, May 5, 2010, available at <http://www.fbi.gov/news/testimony/drug-trafficking-violence-in-mexico-implications-for-the-united-states>.

²³ Sylvia Longmire, "Border Violence Spillover: A Growing but Undefined Problem," Small Wars Journal, January 15, 2013, available at: <http://smallwarsjournal.com/jrnl/art/border-violence-spillover-a-growing-but-undefined-problem>.

²⁴ Former mayor Maria Santos Gorrostieta was kidnapped in broad daylight while bringing her daughter to school in mid November, 2012. She had survived three previous assassination attempts including one that murdered her first husband. No organization has claimed responsibility for her murder, however, her assassination appears to have been based solely on her refusal to cooperate with cartel elements working near her township while she was serving as mayor. Dramatically disabled from her wounds sustained in the previous assassination attempts, Ms. Gorrostieta left public office in 2010 and had been focusing on her relationship with her second husband and her three children from her first marriage. Sam Webb, "Maria Santos Gorrostieta executed after surviving two assassination attempts," Mail Online, November 26, 2012, available at <http://www.dailymail.co.uk/news/article-2238577/Maria-Santos-Gorrostieta-executed-surviving-assassination-attempts.html#ixzz2DT7cJKnX>.

²⁵ Paul Rexton Kan, *Cartels at War: Mexico's Drug-Fueled Violence and the Threat to U.S. National Security* (Washington D.C.: Potomac Books, 2012), 1.

²⁶ Ibid., 1.

²⁷ Ibid., 2.

²⁸ Stjepan G. Mestrovic, *Genocide After Emotion – The Postemotional Balkan War* (London: Routledge, 1996), 7.

²⁹ Roger Cohen, "C.I.A. Report on Bosnia Blames Serbs for 90% of the War Crimes," The New York Times, March 9, 1995, available at www.nytimes.com/1995/03/09/world/cia-report-on-bosnia-blames-serbs-for-90-of-the-war-crimes.html?pagewanted=print&src=pm.

³⁰ Binyamin Netanyahu, the Israeli prime minister, graphically portrayed the concept in his September address to the United Nations General Assembly. "...there is only one way to peacefully prevent Iran from getting atomic bombs and that's by placing a clear red line on Iran's nuclear weapons program... Red lines don't lead to war; red lines prevent war." "Israeli PM Sets 'Red Line' Over Nuclear Iran," Al Jazeera English, September 28, 2012, available at <http://www.aljazeera.com/news/americas/2012/09/2012927154228135624.html>.

³¹ Jay Alan Sekulow, "Legal Memorandum in Support of Israel's Response to Ongoing Palestinian Attacks from the Gaza Strip," The American Center for Law and Justice, November 19, 2012, available at <http://c0391070.cdn2.cloudfiles.rackspacecloud.com/pdf/memorandum-supporting-israel.pdf>.

³² It is noteworthy that Israel displayed a high level of restraint in the face of multifaceted attacks against their own military and civilian populations. Palestinian attacks routinely violate the internationally sanctioned Law of Armed Conflict in that they do not limit their attacks to

military targets (principle of necessity), they do not distinguish between combatants and non-combatants (principle of distinction) and they do not limit their attacks to that level of force required to achieve their military objective (principle of proportionality).
Ibid.

³³ John J. Pershing, Pancho Villa Capture Expedition – John J. Pershing Report (Carlisle: U.S. Army Military History Institute, 1916), 4.

³⁴ Matthew Levitt, "Hizbullah Narco-Terrorism: A Growing Cross-Border Threat," The Washington Institute for Near East Policy, September, 2012, available at http://www.washingtoninstitute.org/uploads/Levitt20120900_1.pdf .

³⁵ Sharon L. Cardash, Frank J. Cilluffo and Bert B. Tussing, "The Hybrid Threat - Crime, Terrorism and Insurgency in Mexico," ed. by Frank J. Cilluffo and Bert B. Tussing (Carlisle Barracks, PA: The Center for Strategic Leadership, U.S. Army War College, 2011), available at <http://www.csl.army.mil/usacsl/publications/HybridThreatMonographInternetVersion.pdf>, 14.

³⁶ "... I imply no criticism of the Court, which, in those cases, was faced with the task of trying to define what may be indefinable. I have reached the conclusion, which I think is confirmed at least by negative implication in the Court's decisions since Roth and Alberts, that, under the First and Fourteenth Amendments, criminal laws in this area are constitutionally limited to hard-core pornography. I shall not today attempt further to define the kinds of material I understand to be embraced within that shorthand description, and perhaps I could never succeed in intelligibly doing so. But I know it when I see it, and the motion picture involved in this case is not that."

Potter Stewart, SUPREME COURT OF THE UNITED STATES – 378 U.S. 184 - Jacobellis v. Ohio, June 22, 1964, available at http://www.law.cornell.edu/supct/html/historics/USSC_CR_0378_0184_ZC1.html

³⁷ Paul Rexton Kan, Cartels at War: Mexico's Drug-Fueled Violence and the Threat to U.S. National Security (Washington D.C.: Potomac Books, 2012), 2.

³⁸ Paul Rexton Kan, "Mexico's 'Narco-Refugees': The Looming Challenge for U.S. National Security," U.S. Army War College Strategic Studies Institute, October, 2011, available at <http://www.strategicstudiesinstitute.army.mil/pubs/display.cfm?pubID=1083>, 26.